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FILING DATE

FIRST NAMED APPLICANT

ATTORNEY/DOCKET NO

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QW61/1203

HTR 17 EXAMINER

ART UNIT

PAPER NUMBER

12/03/98

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 9/22/98 and 7/28/98

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-12 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892

Disclosure Statement(s), PTO-1449, Paper No(s). 4

Summary, PTO-413

Draftsperson's Patent Drawing Review, PTO-948

Final Patent Application, PTO-152

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Response to Amendment

Applicant's arguments filed September 22, 1998 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 2 and 9, the recitation "horizontally disposed, ... plates" is indefinite since this limitation/structure has previously been claimed and it is unclear if applicant has failed to provide proper antecedence or if applicant is claiming additional radiation plates.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to

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the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

Claims 1-2 and 5-7 are rejected under 35 U.S.C. § 103 as being unpatentable over the IBM Technical Disclosure Bulletin reference in view of August.

The IBM Technical Disclosure Bulletin reference, in Figures 1-3 and on pages 110-113, discloses a sealed end, U-shaped heat pipe type cooler comprised of a heat receiver /straps, a heat radiator/fins and a U-shaped heat pipe thermally connected at its middle portion to the heat receiver/straps. High-power modules are attached via screws to the heat receiver/straps. The IBM Technical Disclosure Bulletin reference discloses all the claimed features of the invention with the exception of the heat radiator comprised of a plurality of horizontally oriented, vertically extending heat radiating plates, the heat pipe passes through the plates and a connector comprising a hook portion and a hook engaging portion.

The patent of August in Figures 1 and 3 discloses a heat radiator comprised of a plurality of horizontally oriented, vertically extending heat radiating plates (40), where a plurality of heat pipes (18), disposed in a row, passes through the heat radiating plates (40) and a connector comprising a hook portion (25) and a hook engaging portion (26) for the purpose of efficiently removing heat from a plurality of transistors (11) and compactly connecting together a plurality of heat pipe type cooling devices. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the IBM Technical Disclosure Bulletin

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reference a plurality of horizontally oriented, vertically extending heat radiating plates, where each row of heat pipes passes through the heat radiating plates and a connector comprising a hook portion and a hook engaging portion for the purpose of efficiently removing heat from a plurality of transistors and compactly connecting together a plurality of heat pipe type cooling devices as disclosed in August. The remaining limitations are considered to be clearly met.

Claim 3 is rejected under 35 U.S.C. § 103 as being unpatentable over the IBM Technical Disclosure Bulletin reference in view of August as applied to claims 1-2 and 5-7 above, and further in view of Ogawa. The IBM Technical Disclosure Bulletin reference as modified, discloses all the claimed features of the invention with the exception of the heat radiator having corrugations.

The document of Ogawa in Figures 1 and 5 discloses a heat radiator/fins (3) having corrugations (2) for the purpose of increasing the heat transfer area of the heat radiator/fins (3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the IBM Technical Disclosure Bulletin reference as modified, a heat radiator/fins having corrugations for the purpose of increasing the heat transfer area of the heat radiator/fins as disclosed in Ogawa.

Claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over the IBM Technical Disclosure Bulletin reference in view of August as applied to claims 1-2 and 5-7 above, and further in view of Goth et al. The IBM Technical Disclosure Bulletin reference as modified, discloses all the claimed features of the invention with the exception of the heat receiver having a

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ridged portion for heat radiation.

The patent of Goth et al. in Figures 1- 4 discloses a heat receiver (10) having a ridged portion (13,14) for the purpose of increasing the heat transfer area of the heat receiver (10) and removing heat from chip devices via radiation and convection heat transfer. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the IBM Technical Disclosure Bulletin reference as modified, a heat receiver having a ridged portion for the purpose of increasing the heat transfer area of the heat receiver and removing heat from chip devices via radiation and convection heat transfer as disclosed in Goth et al.

Claims 8-10 are rejected under 35 U.S.C. § 103 as being unpatentable over the IBM Technical Disclosure Bulletin reference in view of August as applied to claims 1-2 and 5-7 above, and further in view of Scharli. The IBM Technical Disclosure Bulletin reference as modified, discloses all the claimed features of the invention with the exception of a plurality of heat pipes connected to the heat receiver.

The patent of Scharli in Figures 3-5 discloses a plurality of parallel U-shaped heat pipes (5,10) connected to a heat receiver (1) for the purpose of efficiently and compactly removing heat from semiconductor elements (2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the IBM Technical Disclosure Bulletin reference as modified, a plurality of parallel U-shaped heat pipes connected to a heat receiver for the purpose of efficiently and compactly removing heat from semiconductor elements as disclosed in Scharli.

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Claims 11-12 are rejected under 35 U.S.C. § 103 as being unpatentable over the IBM Technical Disclosure Bulletin reference in view of August as applied to claims 1-2 and 5-7 above, and further in view of Scharli as applied to claims 8-10 above, and further in view of Kunsagi et al. The IBM Technical Disclosure Bulletin reference as modified, discloses all the claimed features of the invention with the exception of a ventilation duct surrounding the heat radiator and having an inlet and an outlet and a fan interposed between preselected heat pipes.

The patent of Kunsagi et al. in Figure 3 discloses a heat radiator comprised of a plurality of horizontally oriented, vertically extending heat radiating plates (51), where heat pipes (50) pass through the heat radiating plates (51); a ventilation duct (30) surrounding the heat radiator and having an inlet (44) and an outlet (56) and a fan (52) interposed between preselected heat pipes (50) for the purpose of removing heat from the heat pipes (50). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the IBM Technical Disclosure Bulletin reference as modified, a ventilation duct surrounding the heat radiator and having an inlet and an outlet and a fan interposed between preselected heat pipes for the purpose of removing heat from the heat pipes as disclosed in Kunsagi et al.

Response to Arguments

The IBM Technical Disclosure Bulletin reference discloses a U-shaped heat pipe having sealed opposite ends and the middle portion of the U-shaped heat pipe being secured to a heat receiver. August discloses a heat radiator comprised of a plurality of horizontally oriented, vertically extending heat radiating plates (40), where a plurality of heat pipes (18), disposed in a

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row, passes through the heat radiating plates (40) and a connector comprising a hook portion (25) and a hook engaging portion (26) for the purpose of efficiently removing heat from a plurality of transistors (11) and compactly connecting together a plurality of heat pipe type cooling devices. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in the IBM Technical Disclosure Bulletin reference a plurality of horizontally oriented, vertically extending heat radiating plates, where each row of heat pipes passes through the heat radiating plates and a connector comprising a hook portion and a hook engaging portion for the purpose of (i.e. motivation) efficiently removing heat from a plurality of transistors and compactly connecting together a plurality of heat pipe type cooling devices as disclosed in August.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found **either in the references themselves or in the knowledge generally available to one of ordinary skill in the art**. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In all of the above rejections, a reasoning/motivation (i.e. for the purpose of) is given as to why each modification was made to the IBM Technical Disclosure Bulletin reference.

Applicant's arguments are general allegation's that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them

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from the references.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

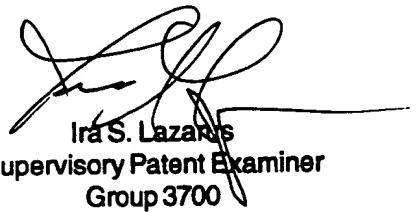
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Atkinson whose telephone number is (703) 308-2603 (FAX (703) 308-7765).



C.A.

December 1, 1998

CHRISTOPHER ATKINSON
PATENT EXAMINER


Ira S. Lazarus
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